

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In re:

Bk. No. 16-10431-BAH
Chapter 7

Gary E. Maynard and
Sherri L. Maynard,
Debtors

Michael S. Askenaizer,
Chapter 7 Trustee of
Gary E. Maynard and
Sherri L. Maynard,
Plaintiff,

v.

Adv. No. 16-1060-BAH

Freedom Mortgage Corporation,
Defendant

ORDER ENTERING DEFAULT

This adversary proceeding came before the Court for a pretrial hearing on October 13, 2106, on a complaint filed pursuant to 11 U.S.C. §§ 544(a) and 551 and state law. Defendant was properly served with a copy of the complaint on August 9, 2016, yet as of the date of the hearing the defendant has failed to answer. Accordingly, it is hereby ORDERED:

1. The defendant has defaulted.
2. On or before **October 28, 2016**, the plaintiff shall file a motion for default judgment, accompanied by an appropriate non-military affidavit if applicable, an affidavit of the amount due if applicable, a proposed order granting the motion, and a proposed final judgment. See 50 U.S.C. app. § 521; Fed. R. Civ. P. 55(b)(1), made applicable in bankruptcy proceedings by Fed. R. Bankr. P. 7055; LBR 7055-1; and AO 9012-1. The plaintiff shall serve the motion, any affidavit, the

proposed order, and the proposed final judgment on the defendant along with notice of a hearing on the motion for default judgment which will be held on **November 16, 2016, at 1:30 p.m.** in Bankruptcy Courtroom 1, 11th Floor, 1000 Elm Street, Manchester, New Hampshire. The Court will act regarding entry of default judgment as appropriate after the hearing. See Fed. R. Civ. P. 55(b)(2), made applicable by Fed. R. Bankr. P. 7055.

3. If the plaintiff fails to take initiating action timely as required by this order, the Clerk shall set this proceeding down for dismissal.

ENTERED at Manchester, New Hampshire.

Date: October 14, 2016

/s/ Bruce A. Harwood
Bruce A. Harwood
Chief Bankruptcy Judge